

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

In The Matter Of: )  
                            )  
Lakeshore Farms, Inc. ) Case Number: 18-50077-btf11  
                            )  
Debtor                  ) Chapter 11  
                            )  
Bank of America, N.A. ) Motion to Lift Stay filed by  
                            ) Bank of America, N.A.  
Movant,                )  
                            )  
vs.                     ) Millsap & Singer, LLC  
                            ) 612 Spirit Drive  
Lakeshore Farms, Inc. ) St. Louis, MO 63005  
                            ) (636) 537-0110  
Respondent             )  
                            )

**MOTION FOR ADEQUATE PROTECTION OR IN THE ALTERNATIVE  
MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Bank of America, N.A. and for its Motion for Adequate Protection or in the Alternative for Relief from Automatic Stay states as follows:

1. On February 28, 2018, Debtor filed a Petition under Chapter 11 of the Bankruptcy Code.

2. Bank of America, N.A. is the holder of a secured claim in this proceeding by virtue of one Retail Installment Sale Contract Simple Finance Charge (With Arbitration Provision) dated May 12, 2016 in the original principal amount of \$78,489.34. A copy of said Retail Installment Sale Contract Simple Finance Charge (With Arbitration Provision) has been electronically attached to this document as Exhibit A and is made a part hereof by this reference.

3. Said Retail Installment Sale Contract Simple Finance Charge (With Arbitration Provision) is secured by a Certificate of Title constituting a first lien on the personal property owned by the Debtor. Said property being described as WDDNG7KB5BA383879: 2011 Mercedes-Benz S65 AMG. A copy of said Certificate of



Title has been electronically attached to this document as Exhibit B and is made a part hereof by this reference.

4. Bank of America, N.A. seeks to enforce said Retail Installment Sale Contract Simple Finance Charge (With Arbitration Provision) as by law allowed. No creditor or Trustee of the estate has any interest in said personal property superior to the rights of Bank of America, N.A..

5. This Court previously entered its Order pursuant to 11 U.S.C. Section 362(a) prohibiting, among other things, any act to enforce any lien against the property of the estate and any act to obtain possession of property of the estate.

6. As of February 13, 2019 the pay off on said Retail Installment Sale Contract Simple Finance Charge (With Arbitration Provision) is as follows:

Principal	\$60,359.87
Interest	\$3,009.46
Late Charges	\$25.00
Total Pay Off	\$63,394.33

7. During this Chapter 11 proceeding, the personal property has continued to be in possession of the Debtor.

8. Contractual payments are owing and delinquent from January 26, 2018 to the present. The following are the payments that are delinquent as if February 13, 2019:

13 payments @ \$1,260.58	\$16,387.54
Total Arrearages	\$16,387.54

9. No payments have been made to Movant since the filing of this Chapter 11 bankruptcy.

10. In representations made to the court, Debtor through its agent has indicated an intent to surrender the personal property.



11. Good and sufficient cause exists in this case to modify the automatic stay of Section 362 for the reason that:

- (a) Post-petition payments to Bank of America, N.A. have not been paid by the Debtor.
- (b) Bank of America, N.A. does not have adequate protection for its interest in said personal property.
- (c) If Bank of America, N.A. is not permitted to exercise its state law remedies with respect to said personal property, it will suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following: Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property, that the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code, that the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived and for such other relief as the Court deems proper. In the alternative, Movant requests that this Court enter an order providing Movant with adequate protection of its interests in the Property.

Dated March 6, 2019.

Respectfully Submitted,  
Millsap & Singer, LLC

/s/ Stewart C. Bogart  
Cynthia M. Kern Woolverton, #47698  
Stewart C. Bogart, #67956  
Muhammad Esa Ahmed, #70619  
Holli E. Dethrow, #70649  
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St. Louis, MO 63005  
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Attorneys for Bank of America, N.A.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed electronically on March 6, 2019, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service within the state of Missouri on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ Stewart C. Bogart

**Electronic Mail Notice List**

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Ronald S. Weiss

Office of the United States Trustee

**Manual Notice List**

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

Lakeshore Farms, Inc.  
24806 Highway 159  
Forest City, MO 64451



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Lakeshore Farms, Inc. ) Millsap & Singer, LLC  
Respondent ) 612 Spirit Drive  
 ) St. Louis, MO 63005  
 ) (636) 537-0110

## **SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE**

The following exhibits in reference to the Motion for Relief have been electronically attached as Exhibits and are available upon request in their entirety.

- A. Retail Installment Sale Contract Simple Finance Charge (With Arbitration Provision)
  - B. Certificate of Title

Respectfully Submitted,  
Millsap & Singer, LLC

/s/ Stewart C. Bogart  
Cynthia M. Kern Woolverton, #47698  
Stewart C. Bogart, #67956  
Muhammad Esa Ahmed, #70619  
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[bkty@msfirm.com](mailto:bkty@msfirm.com)

Attorneys for Bank of America, N.A.



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of all documents supporting my Motion for Relief referenced above, including legible copies of all documents evidencing perfection of security interests have been served on the Counsel for the Debtor on March 6, 2019. Copies of the above documents are available to other parties in interest upon request.

/s/ Stewart C. Bogart

